

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IL VENTURES, LLC – A KETTLEBELL
KING SERIES and CHAD PRICE, JAY
PERKINS and NEHEMIAH HEARD,

Plaintiffs,

V.

FACTORY 14 UK ACQUISITION VI, LTD.,
FACTORY 14 UK ACQUISITION VII, LTD.
and RAZOR GROUP GMBH.,

Defendants.

1:23-CV-749-DII

ORDER

Before the Court is the report and recommendation from United States Magistrate Judge Mark Lane concerning Defendants' Motion to Dismiss or, in the alternative, Motion for More Definite Statement, (Dkt. 6). (R. & R., Dkt. 17). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Lane issued his report and recommendation on December 20, 2023. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the Report and Recommendation of the United States Magistrate Judge, (Dkt. 17), is **ADOPTED**. Defendants' Motion to Dismiss or, in the alternative, Motion for More Definite Statement, (Dkt. 6), is **DENIED IN PART** and **GRANTED IN PART**.

The motion to dismiss is **DENIED** as to Plaintiffs' breach of contract, unjust enrichment, and quantum meruit claims. The motion to dismiss is **GRANTED** as to Plaintiffs' fraud and fraudulent inducement, business disparagement and defamation, declaratory judgment, Texas Theft Liability Act, and negligence claims.

IT IS FURTHER ORDERED that Plaintiffs may file an amended complaint on or before **January 19, 2024**.

SIGNED on January 5, 2024.

A handwritten signature in blue ink, appearing to read 'R. Pitman', is written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE